

Appl. No.  
Amdt. dated 8/30/2004  
Reply to Office Action of June 30, 2004

PATENT



**REMARKS/ARGUMENTS**

In response to the restriction requirement, Applicants elect Group II, drawn to a tablet made by a granulation process, with traverse. Claims readable thereon include claims 1-19, 26-29 and 35-37.

Applicants respectfully traverse the restriction requirement. Applicants submit that the restriction requirement is improper. Under M.P.E.P. § 803, restriction is proper only when two criteria are met: (A) The inventions must be independent; *and* (B) there must be a serious burden on the Examiner if restriction is required. Without addressing the first issue, Applicants assert that the subject matter of the instant application has already been searched. The subject application is a continuation of two prior applications which have already issued. Therefore, no serious burden exists for the Examiner. In view of the foregoing, Applicants respectfully request that the restriction requirement be withdrawn.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

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